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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,742	05/22/2001	Anastacia Rosario Aricayos Barangan	AA473	8754

27752 7590 07/01/2004

THE PROCTER & GAMBLE COMPANY
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EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,742

Applicant(s)

BARANGAN ET AL.

Examiner

James H Zurita

Art Unit

3625

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

In Fig. 3, item **114** should be labeled **214**, to match the disclosures.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "114" has been used to designate both a link in Fig. 2 and input in Fig. 3.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672) in view of Herz et al. (US 2001/0014868).

As per independent claim 1, Tracy discloses recommending products to consumers over networks. For example, Tracy discloses

(a) collecting personalized consumer data pertaining to a consumer's needs and habits. See, for example, references to customer previous purchases such as charcoal, at least Col. 14, lines 10-35.

(b) sending the data to a server system. See, for example, references to data collected in databases at a server, at least Col. 13, lines 45-64.

(a) receiving the data from the client system. See, for example, at least references to presenting data to a user at a client, Col. 14, lines 10-35.

(b) based on the consumer's personalized data determining a recommendation for one or more products. See, for example, references to customer prior purchases history, at least Col. 14, lines 1-43.

(c) sending the recommendation to a client system. See, for example, at least items 220, 130, 100, and 230 in Fig. 6 and related text.

As per independent claim 23, Tracy discloses recommending products for purchase or use, including:

(a) an interactive user interface. See, for example, at least Fig. 2 and 4 for various interactive user interfaces.

(b) collecting personalized consumer data pertaining to a consumer's needs and habits;

(b) comparing the personalized data to a data repository, wherein the data repository comprises data selected from the group consisting of products. See, for example, at least Col. 13, lines 19-44.

(c) preparing a recommendation. See, for example at least references to recommending daily amounts, alternative products, etc., at least Col. 10, lines 35-39.

As per independent claim 26, Tracy discloses an apparatus for providing a recommendation comprising:

(a) a data repository comprising product data. See, for example, at least references to a database, (60).

(b) an input device for receiving user input from a consumer. See, for example, at least Fig. 2 and related text.

(c) a computer assembly connected to the data repository wherein the computer assembly comprises a CPU. See, for example, at least Fig. 3 and related text.

Tracy discloses different types of products, including beauty products, for example, Col. 14, lines 36-43.

As per claims 1-37, Tracy **does not** specifically disclose applicant's limitations concerning fabric care products. Tracy does not specifically disclose selecting products such as laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof.

Tracy **does not** specifically mention fabric care products that have at least one common characteristic, wherein the common characteristic is selected from the group consisting of perfume, product color, package color, and mixtures thereof.

Herz discloses a client-server system that includes fabric care products such as detergents. See, for example, at least Col. X, lines y-z.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Herz to disclose selecting products such as laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof, and to disclose fabric care products that have at least one common characteristic, wherein the common characteristic is selected from the group consisting of perfume, product color, package color, and mixtures thereof.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Tracy and Herz to disclose selecting products such as laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof, and to disclose fabric care products that have at least one common characteristic, wherein the common characteristic is selected from the group consisting of perfume, product color, package color, and mixtures thereof for the obvious reason that by offering a customer customized products which a shopper would be most likely to buy, a vendor may maximize his profits.

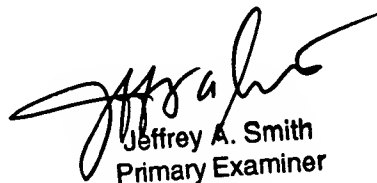
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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James Zurita
Patent Examiner
Art Unit 3625
25 June 2004


Jeffrey A. Smith
Primary Examiner